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LEGISLATIVE ACTION

Senate

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House

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Between lines 1068 and 1069

insert:

Section 12. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, a new subsection (1) and subsection (12) are added to that section, and present subsection (6) of that section is amended, to read:

395.0191 Staff membership and clinical privileges.—

(1) As used in this section, the term:



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12 (a) "Certified surgical assistant" means a surgical
13 assistant who maintains a valid and active certification under
14 one of the following designations:

15 1. Certified Surgical First Assistant from the National
16 Board of Surgical Technology and Surgical Assisting.

17 2. Certified Surgical Assistant from the National Surgical
18 Assistant Association.

19 3. Surgical Assistant-Certified from the American Board of
20 Surgical Assistants.

21 (b) "Certified surgical technologist" means a surgical
22 technologist who maintains a valid and active certification as a
23 Certified Surgical Technologist from the National Board of
24 Surgical Technology and Surgical Assisting.

25 (c) "Surgeon" means a health care practitioner as defined
26 in s. 456.001 whose scope of practice includes performing
27 surgery and who is listed as the primary surgeon in the
28 operative record.

29 (d) "Surgical assistant" means a person who provides aid in
30 exposure, hemostasis, closures, and other intraoperative
31 technical functions and who assists the surgeon in performing a
32 safe operation with optimal results for the patient.

33 (e) "Surgical technologist" means a person whose duties
34 include, but are not limited to, maintaining sterility during a
35 surgical procedure, handling and ensuring the availability of
36 necessary equipment and supplies, and maintaining visibility of
37 the operative site to ensure that the operating room environment
38 is safe, that proper equipment is available, and that the
39 operative procedure is conducted efficiently.

40 (7)-(6) Upon the written request of the applicant, any



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41 licensed facility that has denied staff membership or clinical
42 privileges to any applicant specified in subsection (2) ~~(1)~~ or
43 subsection (3) ~~(2)~~ shall, within 30 days of such request,
44 provide the applicant with the reasons for such denial in
45 writing. A denial of staff membership or clinical privileges to
46 any applicant shall be submitted, in writing, to the applicant's
47 respective licensing board.

48 (12) (a) At least 50 percent of the surgical assistants that
49 a facility employs or contracts with must be certified surgical
50 assistants.

51 (b) At least 50 percent of the surgical technologists that
52 a facility employs or contracts with must be certified surgical
53 technologists.

54 (c) The certification requirements in paragraphs (a) and
55 (b) do not apply to:

56 1. A person who has completed an appropriate training
57 program for surgical technology in any branch of the Armed
58 Forces or reserve component of the Armed Forces.

59 2. A person who was employed or contracted to perform the
60 duties of a surgical technologist or surgical assistant at any
61 time before July 1, 2014.

62 3. A health care practitioner as defined in s. 456.001 or a
63 student if the duties performed by the practitioner or the
64 student are within the scope of the practitioner's or the
65 student's training and practice.

66 4. A person enrolled in a surgical technology or surgical
67 assisting training program accredited by the Commission on
68 Accreditation of Allied Health Education Programs, the
69 Accrediting Bureau of Health Education Schools, or another



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70 accrediting body recognized by the United States Department of
71 Education on July 1, 2014. A person may practice as a surgical
72 technologist or a surgical assistant for 2 years after
73 completing such a training program before he or she is required
74 to meet the criteria in paragraph (a) or paragraph (b).

75
76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete lines 2 - 83

79 and insert:

80 An act relating to health care facilities; creating
81 part XI of chapter 400, F.S.; providing legislative
82 intent; providing definitions; requiring the licensure
83 of transitional living facilities; providing license
84 fees and application requirements; requiring
85 accreditation of licensed facilities; providing
86 requirements for transitional living facility policies
87 and procedures governing client admission, transfer,
88 and discharge; requiring a comprehensive treatment
89 plan to be developed for each client; providing plan
90 and staffing requirements; requiring certain consent
91 for continued treatment in a transitional living
92 facility; providing licensee responsibilities;
93 providing notice requirements; prohibiting a licensee
94 or employee of a facility from serving notice upon a
95 client to leave the premises or take other retaliatory
96 action under certain circumstances; requiring the
97 client and client's representative to be provided with
98 certain information; requiring the licensee to develop



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99 and implement certain policies and procedures;
100 providing licensee requirements relating to
101 administration of medication; requiring maintenance of
102 medication administration records; providing
103 requirements for administration of medications by
104 unlicensed staff; specifying who may conduct training
105 of staff; requiring licensees to adopt policies and
106 procedures for administration of medications by
107 trained staff; requiring the Agency for Health Care
108 Administration to adopt rules; providing requirements
109 for the screening of potential employees and training
110 and monitoring of employees for the protection of
111 clients; requiring licensees to implement certain
112 policies and procedures to protect clients; providing
113 conditions for investigating and reporting incidents
114 of abuse, neglect, mistreatment, or exploitation of
115 clients; providing requirements and limitations for
116 the use of physical restraints, seclusion, and
117 chemical restraint medication on clients; providing a
118 limitation on the duration of an emergency treatment
119 order; requiring notification of certain persons when
120 restraint or seclusion is imposed; authorizing the
121 agency to adopt rules; providing background screening
122 requirements; requiring the licensee to maintain
123 certain personnel records; providing administrative
124 responsibilities for licensees; providing
125 recordkeeping requirements; providing licensee
126 responsibilities with respect to the property and
127 personal affairs of clients; providing requirements



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128 for a licensee with respect to obtaining surety bonds;
129 providing recordkeeping requirements relating to the
130 safekeeping of personal effects; providing
131 requirements for trust funds or other property
132 received by a licensee and credited to the client;
133 providing a penalty for certain misuse of a client's
134 personal funds, property, or personal needs allowance;
135 providing criminal penalties for violations; providing
136 for the disposition of property in the event of the
137 death of a client; authorizing the agency to adopt
138 rules; providing legislative intent; authorizing the
139 agency to adopt and enforce rules establishing
140 standards for transitional living facilities and
141 personnel thereof; classifying violations and
142 providing penalties therefor; providing administrative
143 fines for specified classes of violations; authorizing
144 the agency to apply certain provisions with regard to
145 receivership proceedings; requiring the agency, the
146 Department of Health, the Agency for Persons with
147 Disabilities, and the Department of Children and
148 Families to develop electronic information systems for
149 certain purposes; repealing s. 400.805, F.S., relating
150 to transitional living facilities; revising the title
151 of part V of chapter 400, F.S.; amending s. 381.745,
152 F.S.; revising the definition of the term
153 "transitional living facility," to conform; amending
154 s. 381.75, F.S.; revising the duties of the Department
155 of Health and the agency relating to transitional
156 living facilities; amending ss. 381.78, 400.93,



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157 408.802, and 408.820, F.S.; conforming provisions to
158 changes made by the act; providing applicability with
159 respect to transitional living facilities licensed
160 before a specified date; amending s. 395.0191, F.S.;
161 defining terms; prohibiting a health care facility
162 from employing or contracting with a surgical
163 assistant or surgical technologist under certain
164 circumstances; providing exceptions; providing
165 effective dates.